



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Environmental Quality**

Northwest Region  
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September 4, 2001

Mr. John L. Childs, P.E.  
Marine Operations  
Port of Portland  
7201 N Marine Drive  
Portland, OR 97203

Re: Port of Portland's Dredge Material Rehandle Facility (Terminal 6)

Dear Mr. Childs:

The Port has requested a clarification of the Department's letter of July 2, 2001 to specifically address whether the activity of moving de-watered dredged material across Terminal 6 from the Dredge Material Rehandle Facility location to Berth 602 would trigger permitting under OAR 340-093-0050(1). That provision specifies that "no person shall establish, operate, maintain or substantially alter, expand, improve or close a disposal site, and no person shall change the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefor from the Department." OAR 340-093-0050(1) ("Permit Required"). The Port sought a determination that the de-watered material fell within the definitional exclusion from "disposal site" for "a site that is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable material." OAR 340-093-0030(30) ("Definitions").

Based upon the information submitted by the Port as summarized in the Department's letter of July 2, 2001, the Department's determination is that the de-watered material currently at the Dredge Material Rehandle Facility location is equivalent to "soil, rock, concrete or other similar non-decomposable material." Consequently, the Port's proposed activity does not trigger permitting under OAR 340-093-0050(1).

The Department has determined the material currently located in the de-watering facility will not be regulated as solid waste, as the level of contaminants in the material reflects that it is substantially the same as "clean fill" or "inert" material, as defined in OAR 340-093-0030(13) and (46), respectively. The submission by the Port reflects that placement of the de-watered material as fill in the upland portion of Berth 602, Terminal 6 would not adversely impact waters of the state or public health.

If you have any questions about the conclusions or regulatory effect of this letter, feel free to contact me at (503) 229-5151 or Monty Morshed, P.E. Solid Waste Senior Environmental Engineer at (503) 229-5585.

Sincerely,

Ed Druback  
Manager, Solid Waste Program  
Northwest Region

USEPA SF



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cc: Monty Morshed, Solid Waste Program, NWR

